

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular called meeting on Monday, February 16, 2009 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meeting Act. The following Commissioners were present:

Carl Law	Mayor
Mike Tugman	Mayor Pro-Tem
Charlene Lewis	Commissioner
Billy T. Elder	Commissioner
Scott Dolan	Commissioner
Jim Phillips	Commissioner
Charlie McCullough	Commissioner

Other's present were: Mike Slye, City Manager; Trish Holley, City Clerk; Dale Lewis, Director of Administration and Mike Tracey, Chief of Police.

Other's present: Thomas Watson, John Reinke, Nathan Reinke, Michael Bunton, Bill Lindenborn, Wade Medberry, Glen Hutchinson, Dick Vallon, Brooks Hill, W.L. Bunton, Peter Couture, Jack Baber, Ted Kwas, Jared Burchett, Jack McMullen, John Hopkins, Charlie Jackson and Cindy Guinn.

Jeff Bromley representing Burkburnett Informer Star was present.

Item 1. Mayor Law called the meeting to order and welcomed the visitors.

Item 2. Invocation was given by Commissioner Phillips.

Item 3. Mayor Law reviewed the Consent Agenda Items.

- A. Approval of minutes from January 19, 2009.
- B. Approve the American Cancer Society application to extend Friendship Community Park hours on May 15, 2009.
- C. Approve Burkburnett Trails & Tales application for the Community Center, May 16, 2009.
- D. Transfer \$9,000 from Maintenance of Sewer Lines to Maintenance of Sewer Equipment.
- E. Increase Fire Department Minor Equipment expenses by an additional \$5,000.00.

Motion was made by Commissioner Elder, seconded by Commissioner Tugman to approve the Consent Agenda Items 3A-E. Motion carried unanimously.

Item 4. Motion was made by Commissioner McCullough, seconded by Commissioner Lewis to approve rescinding Resolution Number 448, a resolution authorizing City Manager to enter into demolition contracts. Motion carried unanimously.

Item 5. Ordinance Number 759 was presented in its entirety. Caption of same being:

AN ORDINANCE OF THE CITY OF BURKBURNETT, TEXAS AMENDING SECTION 91.61 OF CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF BURKBURNETT, TEXAS MAKING IT AN OFFENSE TO KEEP CERTAIN WILD ANIMALS WITHIN THE CITY, MAKING AN EXCEPTION FOR CERTAIN HOLDERS OF PERMITS ISSUED BY THE STATE OF TEXAS AND PERMITTING TEMPORARY POSSESSION OF CERTAIN WILD ANIMALS UPON SATISFACTION OF CERTAIN CONDITIONS AND PROVIDING FOR SEVERABILITY.

Mike Slye, City Manager stated in Section 1, 91.61 Wild Animals Prohibited, (1) Definitions (c) had been changed to reflect the following: “and the permitted wild animal must be considered a “suckling infant”, (bottle fed); and after being weaned can no longer be brought into the city limits of Burkburnett.

John Reinke, 746 Brenda, Burkburnett, Texas addressed the Commissioners. Mr. Reinke presented pictures of infant wild animals for the Commissioners to look at. Mr. Reinke stated during his 3 ½ years of volunteering at G.W. Exotic Animal Park in Wynnewood Oklahoma he has brought an infant wild animal into the city three times. After they become weaned, he hasn't ever brought one home.

After much discussion from the Commissioners, Mayor Law asked for a motion to approve Ordinance Number 759. The ordinance died due to no motion being made.

Item 6. The Commissioners reviewed the Annual Racial Profiling Report required by the Code of Texas Criminal Procedures. No action taken.

Item 7. Ordinance Number 760. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING A PORTION OF Section 99.17(A) OF THE CODE OF ORDINANCES OF THE CITY OF BURKBURNETT, TEXAS REGULATING THE HEIGHT OF TREES, HEDGES, BUSHES OR VINES OVER

PUBLIC OR CERTAIN PRIVATE PROPERTY AND MAKING CERTAIN FINDINGS AND PROVIDING FOR SEVERABILITY.

Motion was made by Commissioner Elder, seconded by Commissioner Dolan.

Ayes: Mayor Law, Commissioners: Elder, Dolan, McCullough, Phillips, Tugman

Nays: Commissioner Lewis

Abstained: None

Item 8. Motion was made by Commissioner Phillips, seconded by Commissioner Elder to approve the Boys & Girls Club Agreement to provide garbage service in lieu of the skate park electricity. Motion carried unanimously.

Item 9. Resolution Number 450 was presented. A resolution endorsing certain legislative changes to enhance the competitive electric market supported by Cities Aggregation Power Project, Inc.

Motion was made by Commissioner Tugman, seconded by Commissioner Elder to approve Resolution Number 450 as presented. Motion carried unanimously.

Item 10. Resolution Number 451 was presented. A resolution approving the Texas Community Development Program Block Grant from the Office of Rural Community Affairs in the amount of \$183,580.00 and approving the Nortex Regional Planning Commission administrative services in the amount of \$16,000.00.

Motion was made by Commissioner Tugman, seconded by Commissioner Phillips to approve Resolution Number 451 as presented. Motion carried unanimously.

Item 11. Resolution Number 452 was presented. A resolution ordering a general election be held on May 9, 2009 to elect three (3) City Commissioners.

Motion was made by Commissioner Lewis, seconded by Commissioner Tugman to approve Resolution Number 452 as presented. Motion carried unanimously.

Item 12. Resolution Number 453 was presented. A resolution to consider adopting proposed infrastructure improvement projects program of work contingent upon federal stimulus program funding.

Motion was made by Commissioner Dolan, seconded by Commissioner McCullough to approve Resolution Number 453. Motion carried unanimously.

Item 13. The Commissioners reviewed the monthly reports.

Item 14. Personal Audience Comments to Commissioners/Comments on Agenda Items.

No requests.

Item 15. City Manager's report.

Mr. Slye addressed the Commissioners and stated after the agenda had been posted he received notification of the sales tax allocation and the sales tax revenues were up 7% which is a significant increase; as of this date the sales tax revenues are only down 5% which is a good economic indicator for our economy.

- A. Street bond project(s) update. Mr. Slye reported Phase 3 has been completed and have started on Phase 4, which is from Wigham to Broyles Streets, that section of the city is currently being reconstructed. The same contractor that did Bishop and Preston is working on this project and is behind schedule due to the ice, but is known to work on weekends to stay on schedule.
- B. The City is in the final stages of being able to present to you a sealed bid project for a proposed drainage project that would fix the drainage issue behind Quail Run. The problem starts at Kramer and runs down through the Avey property, which backs up into the Chaparral Estates subdivision and creates a health problem. The project should be presented to you in the next 30 days.
- C. Mike Whaley is in room 516 at the 11th Street Campus and would probably appreciate any visits, he doesn't know the length of his stay at this time, but will probably be off work for 7 to 10 days after having back surgery.

Item 16. Mayor Law stated he would like for the Administrative Committee to meet and start looking at the Charter as to what specific areas need to be addressed.

Mr. Slye stated the last time a charter amendment was addressed; an Ad Hoc Charter Commission was appointment with 20-25 citizens. The Charter was reviewed from front to back; typically citizens would like to have an input as to what needs to be addressed.

Mayor Law stated he would initially like the Administrative Committee determine the focus of what needs to be addressed.

Mr. Slye also stated the Department of Justice has to pre-approve any changes to a charter; the first date for a charter election would be in November.

Commissioner Elder stated the Mayor could get a signature stamp with his name on it and a letter authorizing the day-to-day water contracts, Community Center contracts and etc.

Commissioner Tugman stated the charter reads that it is by ordinance or resolution only.

Mr. Slye stated the Commissioners are beginning to deliberate and this is not on the agenda.

Mayor Law agreed and asked who is on the Administrative Committee; Mr. Slye stated Commissioners Tugman (chair), Elder, Dolan and that the entire Council is always invited to the Committee meetings.

Commissioner Dolan asked if the Municipal Court reports would ever go back to the way they were.

Mr. Slye reported the reports are subject to public information and had some information on them that is not public, however, the reports can be printed in numerous ways that will give you statistical information on what is being ticketed.

Commissioner Dolan stated he didn't care about seeing who got tickets and to leave the names off, he just wanted to see the officer's names and what is being ticketed. Commissioner Dolan thanked the visitors for coming.

Commissioner Lewis asked how often the charter could be amended.

Mr. Slye reported one year.

Commissioner Lewis asked how the Wild Horse Creek is coming and that she has heard many different things.

Mr. Slye reported there is no problem; TCEQ has been out numerous times with good reports.

Commissioner Lewis thanked those that have asked about Bill and his health.

Commissioner Phillips stated the meetings with the Burkburnett Independent School District and the Burkburnett Development Corporation was worthwhile.

Commissioner McCullough stated he seen in the paper the city was involved in a lawsuit.

Mr. Slye reported the Building Inspector was involved in a vehicle accident while on duty two years ago and was served over the weekend and the city was served today. Mr. Slye stated this has been an on going situation between the two insurance companies.

Commissioner McCullough thanked the visitors for coming.

Mayor Law thanked those taking an interest in city government, that this is a great city to live with wonderful folks that are interested in our city.

Item 17. Motion was made by Commissioner Tugman, seconded by Commissioner Elder to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk